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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:
MICHEL DROUX, ET AL.	: EXAMINER: HALPERN. MARK
SERIAL NO: 10/541,121	:
FILED: JUNE 30, 2005	: GROUP ART UNIT: 1791
FOR: METHOD FOR MAKING A FIBER GLASS AND CELLULOSE MAT IN CATIONIC MEDIUM	:

REPLY BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Examiner's Answer dated June 23, 2010, reconsideration and reversal of the outstanding rejection are respectfully requested in view of the following remarks.

Appellants acknowledge with appreciation the Examiner's indication that the outstanding rejections under 35 U.S.C. §112, first and second paragraphs, have been withdrawn.

The Examiner has also recast the previous rejection of claims 1-17 and 21-25 under 35 U.S.C. §102(b), or in the alternative under 35 U.S.C. §103(a), over U.S. Patent No. 5,837,620 to Kajander ("Kajander"), as two two separate rejections:

(1) a rejection of claims 1, 4-7, 10-12 and 5-17 under 35 U.S.C. §102(b), or in the alternative under 35 U.S.C. §103(a), over Kajander; and

(2) a rejection of claims 2, 3, 8, 9, 13, 14, 21, 22 and 23-25 under 35 U.S.C. §103(a) over Kajander.

With respect to the rejection of item (1), the Examiner asserts that Kajander discloses dispersing glass fibers and cellulosic fibers uniformly or homogenously in a slurry and that forming a mat from such dispersed fibers would necessarily result in a uniform or homogenous distribution of glass fibers and cellulosic fibers within the obtained mat. *See* Examiner's Answer, page 4. However, nowhere does Kajander disclose dispersing glass fibers and cellulosic fibers uniformly or homogenously in a slurry. The portion of Kajander relied on by the Examiner discloses that:

> While the majority of the fibers used in the present invention are glass fibers, a minor portion of non-glass fibers can also be used, such as cellulosic fibers including wood pulp of all kinds, cotton linters, cellulose derivatives such as cellulose triacetate, rayon, etc. Man made organic fibers such as Nylon.TM., polyester, polyethylene, polypropylene, etc. can also be used instead of cellulose fibers in any various blends with one or more cellulosic fibers. As will be seen later, it is particularly advantageous to have a higher concentration of cellulosic fibers on one or both surface portions of the mat, extending into the mat thickness a small distance, with a higher concentration of glass fibers in the center portion of the mat to enhance bonding of the mat to wood.

See Kajander, column 3, lines 16 to 28 (emphasis added). The foregoing passage certain indicates that the mat obtained in Kajander may include both glass fibers and cellulosic fibers. However, this passage does not remotely suggest that the glass fibers and the cellulosic fibers are homogenously dispersed either in the slurry or in the finished mat. In fact, the underlined portion above would suggest to a skilled artisan that the glass fibers and the cellulosic fibers are not homogenously dispersed in the slurry or the finished mat. Kajander does not disclose a single specific embodiment of a mat including both glass fibers and cellulosic fibers, much less a homogenous veil of such fibers. Moreover, the only general guidance with respect to such a mat would suggest that the mat does not include a

homogenous distribution of glass fibers and cellulosic fibers, as required by each of independent claim 1, 21 and 23.

With respect to the rejection of item (2), the Examiner asserts (e.g., with respect to claim 21) that "[i]n view that Kajander teaches that the fibers may be blended in different concentrations (col. 3, lines 16 to 42), it would have been obvious that the blending of fibers include the claimed amounts." *See* Examiner's Answer, pages 5 to 6. Notwithstanding the foregoing, Kajander does not disclose or suggest a mat in which cellulosic fibers, glass fibers and binder are present in particular amounts. The indication that "a minor portion of non-glass fibers can also be used" in the mats of Kajander (*see* column 3, lines 17 to 18) would not have led a skilled artisan to the particular cellulosic fiber/glass fiber/binder proportions required in claim 21. Moreover, as discussed in the Appeal Brief, the present specification includes experimental results demonstrating that including cellulosic fibers in the range of amounts required by claim 21 yields substantially higher tear strength (19% higher) than veils including cellulose fibers in amounts above or below the range of amounts required by claim 21. *See* present specification, page 8, lines 5 to 12. That is, Kajander does not disclose the cellulosic fiber/glass fiber/binder proportions required in claim 21 or recognize that selecting such proportions provides an unexpected, superior result. It is only by relying on Appellants' disclosure that one of ordinary skill in the art would have been led to modify the compositions generally disclosed in Kajander as would be necessary to provide the specific cellulosic fiber/glass fiber/binder proportions required in the method of claim 21.

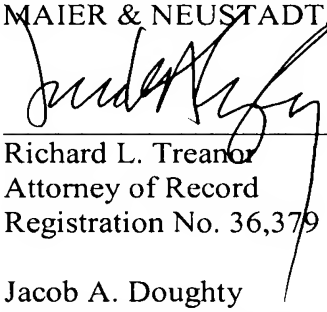
The Examiner further asserts that "in view that the claim does not define a degree of drying or dryness, it would have been obvious to one skilled in the art that the product mat of Kajander is dry. A dry product mat is disclosed in Example 1, col. 5, lines 5 to 8." *See* Examiner's Answer, page 6. The method of claim 23 yields a dry veil. That is, the method of claim 23 yields a product that is both fully-cured and not bonded to a wood substrate. The

Examiner points out that Kajander discloses a dry mat at column 5, lines 5 to 8. However, it should be noted, first, that this mat does not include cellulosic fibers as required in the method of claim 23, and second, this mat is a comparative example. That is, the method used to prepare the mat in Example 1 of Kajander does not anticipate the method of claim 23 at least because such method does not employ both glass and cellulosic fibers. Further, Kajander teaches away from preparing a mat in the manner described in Example 1, because such method results in a mat that, when further processed to form a laminate with wood, results in "no bond between the wood layers and the mat." *See* Kajander, column 5, lines 28 to 29. This poor result is directly opposed to the very purpose of Kajander, which is to obtain "mats ... [that] comprise glass fibers bonded together with a resin binder wherein the resin binder is only partially cured to a "B" stage condition" that are later "bonded to a layer of wood and ... subjected to high pressure and sufficient heat to finish curing the "B" staged resin." *See* Kajander, column 2, lines 25 to 38. Thus, while Kajander may disclose a specific method in which a dry mat is prepared, Kajander, in fact, teaches away (and thus does not suggest) performing such method. Kajander does not disclose or suggest the method of claim 23.

In view of the foregoing remarks and the remarks set forth in the Appeal Brief, reconsideration and reversal of the outstanding rejections are respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



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